

PATENT
Attorney Docket No. 6530.0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No. 5,431,648)
Inventor: Avigdor Lev) Group Art Unit: 3309
Issued: July 11, 1995)
Serial No.: 08/889,825)
Filed: July 8, 1997)
For: RADIATING DEVICE FOR)
HYPERTHERMIA

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION OF AVIGDOR LEV

I, Avigdor Lev, hereby declare that:

1. My residence, post office address and citizenship are as stated below

under my name.

2. I believe I am the original, first and sole inventor of the subject matter that is claimed in U.S. Patent No. 5,431,648 and in U.S. Reissue Patent Application Serial No. 08/889,825, filed on July 8, 1997.

3. I have reviewed and understand the contents of the above-identified reissue application, including the claims.

4. I acknowledge the duty to disclose information that is material to the

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examination of this reissue application in accordance with Title 37, Code of Federal Regulations, § 1.56.

5. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications for patent or inventor's certificate or of any PCT international applications designating at least one country other than the United States of America listed below and have also identified below any foreign applications for patent or inventor's certificate or any PCT international applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications of which priority is claimed.

Country (if PCT indicate PCT)	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. § 119
Italy	MI91 A 002993	November 11, 1991	[XX] Yes [] No
PCT	PCT/IT92/00142	November 10, 1992	[XX] Yes [] No

6. I believe that U.S. Patent No. 5,431,648 is partially inoperative by reason of my having claimed less than I had a right to claim. U.S. Patent No. 5,431,648 includes one (1) independent claim, claims.

Claim 1 recites a radiating device. U.S. Patent 5,431,648 does not include any method claims. At the time I filed the patent application, I did not appreciate that one of the aspects of the invention could be expressed as a method of performing hyperthermal therapy. Nevertheless, I consider such a method to be part of my invention. Accordingly, claims directed to a method of performing hyperthermal therapy are being sought in this reissue application.

7. All errors being corrected in the reissue application up to the time of filing the present Declaration arose without any deceptive intention on my part.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A. L.

Date: 4 MARCH 1998

Avigdor Lev

Citizenship: Israel

Residence and Post Office Address:

Jolly Residence

Via F.Ili Cervi

MI-2, 20090 SEGRATE (MI)

ITALIA